

### **REMARKS/ARGUMENTS**

Currently, Claims 26-41 are pending. Claims 26-41 stand rejected.

By the foregoing amendment, independent claim 26 has been amended to require that the rubber polymer modified asphaltic adhesive be adhered to the asphalt coating of the unexposed side and adhered to the organic film. No new matter has been added by these amendments. See, e.g., p. 7, lines 6-17 of the specification, as amended in the Amendment dated June 29, 2005.

#### **I. Interview**

Applicant would like to thank the Examiner for the courtesy of the interview of May 2, 2008.

During the interview, the cited prior art was discussed and its lack of disclosure as to the placement of the rubber modified asphalt adhesive layer between the asphalt layer and organic film. The Examiner stated that a further search would need to be conducted before an allowance was issued.

#### **II. Claim Objections**

Claim 34 has been objected to as being indefinite. The phrase “and the like” has been removed from Claim 34. As such, the Applicants request withdrawal of the objection.

#### **II. Claim Rejections**

Claims 26-41 are under rejection as being unpatentable over U.S. Patent No. 4,636,414 to Tajima et al. (hereinafter “Tajima”) in view of U.S. Patent No. 4,585,682 to Colarusso (hereinafter “Colarusso”).

By the foregoing amendment, independent claim 26 has been amended to require that the the rubber modified asphalt adhesive layer be adhered to the asphalt layer and the organic film. Neither Tajima nor Colarusso disclose disclose a rubber modified asphalt adhesive layer adhered

to the asphalt layer and the organic film. This being the case, claims 26-41 of the present application are patentable over Tajima and Colarusso, standing alone or in any combination.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claims 26-41.

### **III. Conclusion**

In view of these remarks and amendments, Applicants believe that each of the pending claims is in condition for allowance. Accordingly, Applicants respectfully request allowance of claims 1-19. If, upon receipt and review of this amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicant's undersigned counsel at the number provided below.

The Director is hereby authorized to charge any fees or credit any overpayment of same associated with this filing to our Deposit Account No. 03-1250, under Reference No. 2964, Customer No. 43,309.

Respectfully submitted,

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